

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

In re: The Matter Of:

BEATY, CARL NATHAN

Case No. 08-30938

BEATY, TAMMY LEE

Debtor. Adversary Action No.

NORMAN E. ROUSE, Trustee in Bankruptcy,

Plaintiff,

vs

BEATY, CARL NATHAN

BEATY, TAMMY LEE

Defendant.

COMPLAINT TO DENY DISCHARGE
PURSUANT TO 11 U.S.C. SECTION 727

Comes now the Plaintiff, Norman E. Rouse, by and through his attorney of record, Norman E. Rouse, and for his Complaint against the Defendants, states as follows:

1. The Debtors filed for relief under Chapter 7 of the Bankruptcy Code on 10/20/08.
2. The undersigned was appointed as interim Trustee for said bankruptcy estate.
3. This is an adversary action under 11 U.S.C. Section 727 and is a "core proceeding" pursuant to 28 U.S.C. Section 157(b)(2)(F) and this Court has jurisdiction to determine the Debtor's dischargeability.
4. The Defendant can be served through her attorney of record, Jonathan D. Bhend, or individually at 60150 East 120 Road, Miami, OK, 74354.
5. At the 341 meeting conducted on 02/12/09, the Debtor's signed a form given to him by the Trustee entitled "Acknowledgment of Debtor of Obligation to Provide Federal and State Income Tax Returns and Not to Convert or Cash any Income Tax Refund Received by the Debtor's Without Written Consent of the Trustee".

6. On May 7, 2009, the Trustee filed a motion to compel the debtors to file this 2008 tax returns and provide the same to the Trustee.

7. On June 1, 2009, this Court entered an order granting the Trustee's Motion to Compel Debtor's to file this 2084 tax returns.

8. To date, the Trustee has not receive any tax returns.

9. The Defendant should be denied discharge pursuant to 11 U.S.C. §727(a)(4)(D) in that the Debtors have knowingly and fraudulently withheld from an officer of the estate entitled to possession under this Title, any recorded information, including books, documents, records, and papers, relating to the Debtors' property or financial affairs.

10. The Debtor's should further be denied discharge pursuant to 11 U.S.C. §727(6)(A) in that the Debtors have failed to obey a lawful order of the Court to turn over this 2008 tax returns.

WHEREFORE, the Plaintiff, Norman E. Rouse, prays that this Court enter an order revoking the Debtor's discharge pursuant to 11 U.S.C. Section 727(a) (4)(D) and 727(6)(A); for attorney's fees and costs pursuant to Rule 9011; and for such other and further relief as the Court may deem just and proper in the premises.

COLLINS, WEBSTER AND ROUSE, P.C.

/s/ Norman E. Rouse

NORMAN E. ROUSE, MBE No. 27439

5957 E. 20th Street

P. O. Box 1846

Joplin, Missouri 64802

(417) 782-2222

U. S. TRUSTEE

I certify that a true copy of

the foregoing was sent U.S. Mail
or electronic filing to:

Jonathan D. Bhend

this July 2, 2009.

/s/ Norman E. Rouse

NORMAN E. ROUSE

